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Attorneys for Defendant
STATE OF HAWAI'I
DEPARTMENT OF EDUCATION

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAI'I

ROBERT SHEREZ,

Plaintiff,

vs.

STATE OF HAWAI'I DEPARTMENT
OF EDUCATION; PATRICIA
HAMAMOTO, Superintendent of
Hawai'i Schools, MEREDETH
MAEDA, Principal, Castle High
School; SARA GRONNER OR
GRONNA, Vice Principal of Castle
High School,

Defendants.

CIVIL NO. 04-00390 HG-KSC

DECLARATION OF
MARTIN E. MATTISON, II

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I, MARTIN E. MATTISON, II, declare as follows:

1. I am presently employed by the Department of Education as the educational specialist assigned to the Windward Oahu District Office. I have been in this position since May, 1998 and a district educational specialist since January 1989. My duties include the administration of all special education/special services programs and services for Castle/Kahuku Complexes, in conformance with current federal and Department of Education rules, policies, regulations and program guidelines. This includes, but is not limited to, plans and projections relating to staffing, budget, program establishment and program emphasis, directing the diagnostic, identification, certification of pupil personnel services and administrative program support for the complex area superintendent and district resource staff and direct service providers.

2. As educational specialist, I supervised the Home-Hospital Instructional Services program during the school years of 2001-2002 and 2002-2003. This program provided instruction to students, in the Windward Oahu District, who were not able to attend school because of medical reasons. During this time period this program did not have a policy that prohibited the assignment of a male teacher to serve as a tutor for a female student.

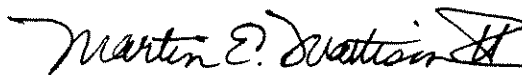
3. In July 2002, the Home-Hospital Instructional Services program had

begun to institute new procedures for the assignment of tutors. Part of the new procedures included new forms to be completed and authorizing the schools to select the qualified tutor to instruct the student. However, since the new procedures were being first implemented, during the 2002-2003 school year, I advised the schools in the Windward Oahu District, including Castle High School, that the Home-Hospital Instructional Services program would retain the sole authority to select and assign the tutors.

4. During the 2002-2003 school year, this program maintained a pool of teachers willing to serve as tutors. The program assigned tutors on a rotating basis that allowed for all the available tutors to obtain assignments on a fair basis. This method of assignment was used in order to maintain the number of teachers in pool of qualified tutors that the program could call upon. Further, this method of assignment was utilized in the selection of tutors for students under the program during the 2002-2003 school year.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

DATED: Honolulu, Hawai'i, June 9, 2005.

A handwritten signature in black ink, appearing to read "Martin E. Mattison II", written over a horizontal line.

MARTIN E. MATTISON II